

MINUTES

UTAH BOARD OF NURSING

March 28, 2008

**Room 474 – 4th Floor – 9:15 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:30 a.m.

ADJOURNED: 5:02 p.m.

Bureau Manager:
Secretary:

Laura Poe
Shirlene Kimball

Division Staff:

F. David Stanley, Director
Connie Call, Compliance Specialist
Kent Barnes, Sr. Business Analyst

Conducting:

Joel Allred, Chair

Board Members Present:

Peggy Brown
Diane Forster-Burke
Mary Williams
Pam Rice
Joel Allred
Barbara Jeffries
Sue Kirby
Marie Partridge
Laurie Simonsen
Debra Schilleman

Board Members Excused:

John Killpack

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

February 22, 2008 Minutes:

The minutes were approved as written. All Board members in favor.

NEW BUSINESS:

Connie Call,
Compliance Report:

Ms. Call reviewed the compliance report with Board members. A copy of the report is attached to the minutes.

Review request from Blaine Campbell for
termination of probation:

Mr. Campbell's license was suspended May 2006 and
placed on a 5 year probation November 2, 2006. Mr.

Review request from Lillian Howell to be allowed to provide direct patient care:

Campbell has completed 16 months of probation. Ms. Jeffries made a Motion to deny the request to terminate probation because additional time is needed to monitor his practice. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Ms. Howell was initially placed on probation in 1995. Her license was indefinitely suspended and the indefinite suspension was recently lifted after the Board met with her on several occasions and reviewed the documentation provided. One of the restrictions placed on the license was that she could not give direct patient care. Board members wanted to observe her cognitive function and skills. She is not currently employed and stated she can not find employment with this restriction. Ms. Simonsen made a Motion to deny the request and indicated the Board would still like to monitor her on probation under supervision to make sure she has coping mechanisms in place before giving direct patient care. Ms. Kirby seconded the Motion. All Board members in favor.

Review request from Karen Christiansen to be allowed to work in home health and hospice and to terminate on-site supervision:

Ms. Jeffries made a Motion to deny the request to allow Ms. Christiansen to work in home health and hospice and to deny the request to terminate the on-site supervision requirement. Ms. Christiansen needs to be monitored for a longer period of time and be working as a nurse. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Divided into groups at 10:15 am.

Group 1 – Convened at 10:21 a.m.
Conducting: Marie Partridge
Secretary: Shirlene Kimball

Board members present: Ms. Forster-Burke, Ms. Partridge, Dr. Williams and Mr. Allred.

Stephen Stewart,
Annual Interview:

Ms. Forster-Burke conducted the interview. Mr. Stewart reported things are going well for him. He requested early termination of probation and stated termination of probation is a necessary step in his recovery process. He referred Committee members to his forensic psychosexual evaluation that indicated he is in the low sexual risk range. He stated he does not take the probation lightly and has remained in compliance by submitting all his reports on time. Mr. Stewart stated he has completed one year of the five

year probation and stated he has made substantial progress in his recovery during the last year. He stated he has not viewed pornography since August 2005 and has 15 months of sexual sobriety. Mr. Stewart reported he completed the STAR program (intensive treatment program for sex addicts). He also completed the forensic evaluation required by the Order. He stated he completed the nursing ethics, professional accountability and legal liability courses in April 2007. Mr. Stewart reported he continues to work with Dr. Diehl at South Towne Surgery Center. **Mr. Stewart is in compliance with the terms and conditions of his Order.**

Susan Barrus,
New Order:

Dr. Williams conducted the interview. Ms. Barrus met with the Committee and explained the circumstances that brought her before the Board. Ms. Barrus indicated she has learned from this process and has made changes in her behavior. She indicated she is currently working at Pioneer Valley in the med/surg outpatient area. She stated she understands the terms and conditions of her Order. She informed the Board of her prescribing practitioner and her primary pharmacy. **Ms. Barrus is in compliance with the terms and conditions of her Order.**

Michele Larson,
New Order:

Ms. Partridge conducted the interview. Ms. Larson explained the circumstances that brought her before the Board. Ms. Larson stated she understands the terms and conditions of her Order. She is currently in the FNP program at Westminster School of Nursing. She submitted a list of medications she is taking and informed the Board of her primary prescribing practitioner and primary pharmacy. Committee members reminded her to submit copies of her prescriptions. **Ms. Larson is in compliance with the terms and conditions of her Order.**

Jennifer Eva,
New Order:

Mr. Allred conducted the interview. Ms. Eva explained the circumstances that brought her before the Board. Ms. Eva indicated she was not aware of the policy regarding deceased patients' medications, but now understands the medications must be destroyed. Ms. Eva indicated she is currently employed in a home health agency. Committee members indicated her Order does not allow her to work in home health. She stated the investigator told

her at the time she signed the Order she could make a request to be allowed to continue working in home health. Mr. Allred indicated she can request the Order be amended, but the Board has concerns because there would be no on-site supervision and also because of the access to controlled substances. This is her first meeting with the Board and she has not yet established a track record or a paper trail for compliance. Ms. Eva stated she will not go to another employer with her license on probation. Committee members explained that if she does not work in nursing, the probation period will be extended. She stated she understands the terms and conditions of her Order. **Ms. Eva is out of compliance with the terms and conditions of her Order until she has transferred her patients and no longer works in home health.**

Tyler Miller,
Request for Re-licensure:

Mr. Allred conducted the interview. Mr. Miller stated surrendering his license was the best decision he could have made at the time, but stated he now feels he is able to return to nursing. He stated he is not attending AA meetings and there are no PIR meetings available in his area. He indicated he only completed 9 months of the 12 month drug rehab program through the sheriffs department because the individual running the program was no longer able to provide the services. He stated he would be willing to complete a current substance evaluation and seek further treatment if recommended. Ms. Poe indicated he needs to submit a formal application with fingerprint cards, his fee, and documentation of what he has been doing to address the issues that led to surrendering his license. He also needs documentation of completion of 30 hours of approved continuing education.

Group II
Conducting: Barbara Jeffries
Secretary: Connie Call

Board members present: Ms. Rice, Ms. Schilleman, Ms. Kirby, Ms. Jeffries, Ms. Brown and Ms. Simonsen.

Sherry Mack,
Interview:

Ms. Kirby conducted the interview. Ms. Mack stated her employment at the Salt Lake Community College nurse aide program was terminated. She indicated the termination was handled over the telephone and she was not allowed to explain her side. She stated she is frustrated and feels that she was treated unfairly. She indicated the termination came because of complaints from some of the students. The employer report also

indicated she was terminated for falsifying her timesheet. Ms. Mack stated she is angry and frustrated because she really loved teaching clinical skills to the students. She presented several letters of support from students and the letters were placed in her file. Ms. Mack indicated she has been unable to find other employment and requested that her access to controlled substances be returned. Committee members indicated they generally look at one year compliance and full time employment before returning access. Ms. Poe indicated her request would be taken before the full board. **Ms. Mack is out of compliance with the terms and conditions of her Order.**

Michelle McArdle,
Probation Interview:

Ms. Rice conducted the interview. Ms. McArdle explained the circumstances for her termination from employment. Ms. McArdle indicated she would like to work in a hospice setting and requested her Order be amended to allow her to work in this area. Ms. Jeffries explained the Board's concern with a probationer working in a hospice or any other setting without supervision and with access to controlled substance medications. Ms. McArdle stated alcohol was her drug of choice and she is currently on Antabuse. She stated she has been sober since September 22, 2003. Ms. Price recommended her supervision be changed from direct supervision to general supervision; however, her request for early termination be denied based on her sobriety date. **Ms. McArdle is in compliance with the terms and conditions of her Order.**

Dyan Farnworth,
Annual Interview:

Ms. Simonsen conducted the interview. There was a compliance issue when she last met with the Board in December but she appears to be in compliance at this time. Ms. Farnworth reported she is doing well and remains employed at Bennion Health Care. Ms. Farnworth requested early termination of probation. Committee members will recommend denial of her request. **Ms. Farnworth is in compliance with the Order.**

Reconvened to Total Board at 12:10 p.m.

M. Kay Tate,
Re-application interview:

Ms. Tate originally met with the Board June 2007 to request re-licensure. Board members indicated she

would need to provide documentation of sobriety and pass the NCLEX examination. Ms. Tate passed the NCLEX examination as requested and has been on random urine screens with CVI since May 2007. However, Ms. Tate tested positive for alcohol three times, had seven urine screens that were out of range, missed two urine screens and had two excused urine screens. Seven urine screens were negative. Ms. Tate was contacted by the Division regarding the positive urine screens for alcohol. She indicated she did not drink alcohol, but had ingested mouthwash. Ms. Tate was requested to meet with the Board to explain the relapse. Ms. Poe stated for the amount of alcohol in the urine screen, she would have to drink a lot of mouthwash and from the amount of alcohol in the December urine screen it appears there may be more than just mouthwash. Ms. Tate stated she was depressed and had been sick when she drank the mouthwash. Ms. Tate stated she would like the Board to give her another chance. Mr. Allred questioned what would happen if she becomes depressed and the depression triggers her drinking? Ms. Tate stated she would be strong, pray, and contact her sponsor. Mr. Allred stated she had that opportunity at the time she relapsed and still relapsed. He questioned what has changed between November 2007 and now? She stated she is more determined not to relapse this time. Mr. Allred questioned whether or not she has alcohol in her home. She stated she has none. Mr. Allred questioned whether or not she has mouthwash with alcohol in her home. She stated not at the present time. Board members stated Ms. Tate does not appear to be progressing in her recovery and questioned her regarding her sobriety date. She indicated she last ingested alcohol the 1st week of December 2007 when she drank the mouthwash. Board members indicated there is concern for the safety of patients and it does not appear Ms. Tate is at a point where the board would be comfortable issuing a license. Board members expressed concern with her ability to abstain from ingesting any type of alcohol.

Ms. Kirby made a Motion to deny the application because Ms. Tate has not demonstrated a sufficient period of sobriety. Ms. Simonsen seconded the Motion. All Board members in favor. Ms. Jeffries

made a Motion that if Ms. Tate wants to reapply for licensure she must provide documentation of one year of sobriety prior to making application for re-licensure. At the time of application, the application and all supporting documentation will be reviewed in totality. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Lunch break: 12:50 p.m.

Reconvened: 1:20 p.m.

Guests:

Griselda Boren, Weber University
Lynne Ornes, Southern Utah University
Lyndsay Wilding, Weber State University
Andrelee Birohell, Weber State University
Nancy Hunter, Weber State University
Raeleen Orme, Weber State University
Brandy Shepherd, Weber State University
Sage Ukena, Weber State University
Irma Rivera, Weber State University
Carolyn Lewis, Utah Career College
Andrea M. Olson, Globe University

Discussion regarding proposed Rules changes: Ms. Poe handed out a summary of changes to the Nurse Practice Act Rules. The proposed changes were reviewed:

R156-31b-302c (1) an applicant must pass the licensure examination within three years of completion of a program. Board members approved the change.

R156-31b-601 establishes standards for a parent academic institution offering a nursing education program. In the APRN section, the proposed changes indicate the program admits students with a minimum of an associate degree in nursing. It was pointed out that a second degree may also be accepted and it was suggested adding a baccalaureate degree in nursing or a related discipline. Board members approved this addition.

R156-31b-602(4). The current rule allows a program three years from the date the 1st class graduates to become nationally accredited. Since the candidacy status is only good for 2 years there is a disparity and it was suggested the three years be changed to two years. Board members approved this change.

R156-31b-603, Nursing Education Program standards. In section (5) Qualifications of the program administrator for APRN: There is a need to separate the requirements for the program director and the coordinator of the program. The program director must have a current active RN or APRN license with a minimum of an earned graduate degree with a major in nursing or a baccalaureate in nursing and an earned doctoral degree in a related field. The coordinator of the program may have a master's degree and be licensed as an APRN.

Ms. Poe indicated the Deans and Directors requested the rules allow a faculty member enrolled in a master's program to continue to teach while obtaining the degree. Ms. Poe questioned whether or not members are comfortable allowing a program to utilize a person currently enrolled in a master's program if the time frame for completing the master's program is outlined in rule? Ms. Rice stated she would like it specifically for clinical instruction only. Dr. Williams stated the individual can not take one course a semester and continue teaching. A time frame of three years to complete the degree may be acceptable.

In section (6) qualifications for nursing faculty. Ms Poe questioned whether it would be acceptable for a faculty member in a PN or RN program to have a non-nursing master's degree in a related field as long as the individual has a BSN degree and has completed a certified nurse educator program or has a post master's certification in nursing education. Several Board members indicated they would be comfortable with this requirement at the PN level if the related field was defined, but are not comfortable at the RN level. Ms. Forster-Burke stated she would be comfortable if the master's degree had a nursing emphasis. Dr. Williams and Ms. Brown stated the only acceptable degree should be the master's in nursing. Dr. Williams stated when teaching in a specialized area, the individual needs the additional specialization in nursing. Ms. Schilleman stated she agrees with Dr. Williams. Ms. Poe stated this will be a point of contention at the Rules Hearing and if the rules have to be readdressed, it will prolong the rules from going

into effect.

Ms. Partridge made a Motion that the qualifications for a faculty member at the PN or RN level would be a BSN degree with a master's degree in a related field and a post master's certification from a nursing education program that is accredited by a nurse accreditor. The related fields would include public health, health care administration, occupational health and health promotion. Ms. Simonsen seconded the Motion. The following Board members voted in favor of the Motion: Ms. Partridge, Ms. Simonsen, Ms. Forster-Burke, Ms. Brown and Ms. Jeffries. Opposed: Mr. Allred, Dr. Williams, Ms. Rice, Ms. Kirby and Ms. Schilleman. The Motion failed.

Dr. Lewis introduced Dr. Andrea Olson, Globe University, which is the parent company for Utah Career College. Dr. Lewis and Dr. Olson requested a discussion regarding prerequisite courses. Board members have indicated that pre or co-requisite courses need to be from a regionally accredited school. Dr. Olson expressed concern regarding accepting prerequisite courses only from a regionally accredited program. She stated she has diligently worked to have programs accept an articulation agreement from nationally accredited programs such as ACCSCT and ABHES approved schools. Dr. Olson stated the articulation agreements does not lower standards, but opens access. Board members indicated the concern is for the student and the ability to transfer credits. Dr. Lewis stated even among the regionally accredited programs, some credits are not transferred. Ms. Poe stated the transferability of credit can not be controlled by the Board, but by the individual school. However, most schools will accept courses from a regionally accredited school.

Ms. Schilleman made a Motion to table this discussion until the Board has more time to discuss the issue. Ms. Jeffries seconded the Motion. Ms. Poe indicated a time could be set on the agenda for Dr. Olson to provide a presentation and to discuss the pre and co requisite issues. Board members in favor of the Motion to table the discussion were Mr. Allred, Ms. Jeffries, Ms. Schilleman, Ms. Partridge, Ms. Kirby and

Ms. Brown. Opposed to the Motion were Ms. Forster-Burke, Ms. Simonsen, Ms. Rice and Dr. Williams. The Motion to table the discussion passed.

Discussion regarding other issues:

1). Number of clinical hours. Ms. Poe indicated the number of hours programs require vary program to program. The average PN programs required 250 hours; the RN programs varied from 750 to 850 hours. The APRN programs have a minimum of 500 hours. Ms. Poe reported that a review of other state requirements indicate for PN programs, 17 states have a minimum number of hours and 35 states/jurisdictions do not address the number of hours. For those states that do have a requirement, the number is anywhere between 400-954 clock hours. For the ADN program, 8 states have a minimum hour requirement, 46 state/jurisdictions do not have a requirement. For those states that do have a requirement, the number is between 450-1170 clock hours. Ms. Rice made a Motion not to include minimum clinical hours. Ms. Schilleman seconded the Motion. Ms. Forster-Burke opposed. All other board members in favor.

2). Add in under simulation, 25 % high fidelity versus low fidelity.

3). Reentry: At 2-5 years out of practice the individual must demonstrate continued competency. At 5-8 years the individual must take a refresher program or retake the NCLEX. At 8-10 years the individual will need to complete a refresher program and retake the examination. After 10 years, the individual will be required to repeat a nursing education program.

Break at 3:40 p.m.
Reconvened at 4:45 p.m.

Discussion regarding PN Equivalency:

Ms. Poe indicated the Division currently allows individuals in one of the following circumstances to sit for the PN by equivalency: a graduate from a RN program, a foreign educated RN, an individual who was enrolled in a RN program but who had to quit the program or a student currently enrolled in a RN program who has completed a portion of the program.

Ms. Poe reported other states are divided regarding this issue. Board members indicated there is concern that the individual in a RN program may not be aware of the PN scope of practice and we may be devaluing the PN role. Ms. Poe stated criteria for who can sit by equivalency needs to be addressed in Rules. Ms. Jeffries made a Motion to allow a student currently enrolled in a RN program and who has met the equivalency requirement as established by the school, be allowed to sit for the NCLEX-PN examination and be licensed as a LPN by equivalency. The others circumstances would not qualify an individual to sit for the NCLEX PN examination by equivalency. The Motion was seconded. All Board members in favor.

Ms. Forster-Burke made a Motion that a student in a provisional or probationary approved program can not sit for the NCLEX PN by equivalency and a graduate from a provisional or probationary program is not allowed to apply for a temporary license. Ms. Partridge seconded the Motion. All Board members in favor.

Ms. Schilleman made a Motion to reopen the discussion regarding regional accreditation and pre and co-requisite courses. Ms. Jeffries seconded the Motion. All Board members in favor.

Board members indicated that if the institutions have worked out an articulation agreement, we should accept the agreement. The Board's goal is to do what is best for the student and the transferability of credits remains up to each individual program whether or not to accept the credits. A Motion was made to include in the rules the articulation agreements with regionally accredited schools for completion of pre and co-requisite courses.

Ms. Rice made a Motion to file the Rules. Ms. Brown seconded the Motion. All Board members in favor.

Probation Committee reports:

Stephen Stewart: Mr. Stewart is requesting early termination of probation. Committee members expressed concern he has only been on probation for one year of the 5 year probation and he is working in a

plastic surgery center. Committee members would also like to have a therapist report indicated where he is at in recovery. Committee members recommend denial of the request due to the length of time on probation and would like to continue to monitor his practice on probation. All Board members in favor.

Jennifer Eva: Ms. Eva requested she be allowed to work in a home health agency. Committee members recommended denial of the request due to just beginning probation and also that she needs to have on site supervision. Ms. Partridge opposed. All other Board members in favor.

Tyler Miller: Mr. Miller met with the Board to discuss where he is at in his recovery and whether or not he could request re-licensure. Board members indicated he will need to submit an application and all supporting documentation for the Board to review.

Sherry Mack: Ms. Mack was invited to meet with the Board to discuss her termination of employment from Salt Lake Community College CNA program. Ms. Mack denies any wrongdoing and requested her access to controlled substances be returned. Committee members recommend denial of the request to return access to controlled substances because she has not been supervised and needs to be monitored for a longer period of time. All Board members in favor.

Michele Mcardle: Ms. Mcardle is requesting early termination of probation. She has 11 months left on her probation. Committee members recommend denial of her request to terminate probation early because she recently lost her employment which has increased the stress in her life. Also, a person is less likely to relapse if he/she has been monitored and clean for 5 years or more. All Board members in favor of the recommendation. A Motion was made to remove direct supervision requirement and allow for general supervision of a nurse. All Board members in favor.

Dyan Farnworth: Ms. Farnworth is requesting termination of probation and drug testing. Committee members recommend denial of the request because

this is the first time she has been in compliance since she was placed on probation. All Board members in favor.

Camille Porter,
Requesting early termination of probation:

Ms. Porter has another 11 months left on her probation. Ms. Forster-Burke made a Motion to deny the request for early termination of probation. Ms. Kirby seconded the Motion. Ms. Partridge abstained. All other Board members in favor. Ms. Forster-Burke made a motion to allow her to be supervised by a licensed individual other than a RN or physician. Ms. Kirby seconded the Motion. Ms. Partridge abstained. All other Board members in favor.

Bambi Koeller,
Request to be allowed to work in Hospice:

Ms. Koeller is on probation until 2010. Ms. Schilleman made the Motion to deny the request because she needs continued supervision and Hospice is not a good setting for an individual with substance abuse issues, due to the lack of on-site supervision and access to medications. Ms. Partridge seconded the Motion. All Board members in favor.

Joel Allred, Report on NCSBN Midyear Meeting:

Mr. Allred indicated one of the major issues was continued competency. Most individuals in attendance agreed there is a need to measure continued competency, but don't know how.

NCSBN Annual meeting in Nashville:

Ms. Poe reported the NCSBN will be celebrating 30 years this year and the annual meeting will be held in Nashville in August. The Education Fund could be used to send two Board members to the meeting. If a Board member is interested in attending, please contact Ms. Poe. The meeting is scheduled for August 5-6, 2008.

Board meeting schedule:

Ms. Poe indicated there are several Hearings that need to be scheduled and requested Board members e-mail days they would be available from May 1 to July 15. There may be two hearings that need to be scheduled for two days, and one hearing that will take one day to complete.

Education Committee report:

Ms. Forster-Burke reported Committee members met with nursing directors from Ameritech, Stevens-Henager, Mountainland and Utah Career College. The Committee also met the new director for Ameritech College, Dr. Katherine Dimmock, and reviewed the

proposed curricular changes. Stevens-Henager also had a change in directors and Trent Willey is the acting nursing director. Rebecca Reese is no longer with the program.

Ms. Forster-Burke submitted a letter from the Utah Organization of Nurse Leaders to be attached to the minutes. The letter and document outlines points of consideration concerning approval of nursing programs in the State of Utah.

Ms. Forster-Burke also stated Education Committee members attended a Web Cast regarding faculty shortage implications for regulation. She indicated the morning sessions were very good.

Review Correspondence from the Utah Nurses' Association regarding nurses keeping their licenses active by contributing or working in schools with a school nurse: Discussion tabled.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

April 25, 2008
Date Approved

(ss) Joel Allred
Joel Allred, Chair Board of Nursing

April 25, 2008
Date Approved

(ss) Laura Poe, Bureau Manager
Laura Poe, Bureau Manager, Division of Occupational & Professional Licensing